

MEETING 5- January 26

At a Workshop Session Meeting of the Madison County Board of Supervisors on January 26, 2015 at 6:00 p.m. in the Madison County Fire hall located at 1223 N. Main Street:

PRESENT: Doris G. Lackey, Chair
R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert W. Campbell, Member
Kevin McGhee, Member
V. R. Shackelford, III, County Attorney
Ernest C. Hoch, County Administrator
Leo Tayamen, Finance Director
Jacqueline S. Frye, Deputy Clerk

Agenda:

Call to Order

Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum

Chairman Lackey advised that all members are present; a quorum was established.

1. Adopt Agenda

Chairman Lackey called for any amendments to today's Agenda.

Supervisor Jackson moved the adoption of today's Agenda as presented, seconded by Supervisor McGhee.

Ayes: Lackey, Jackson, Weakley, McGhee, Campbell. Nays: (0)

2. Constitutional Officers, None

3. Independent Committees/Organizations

a. **Planning Commission Business-1 zoning changes (Phil Brockman, Lloyd Williams):** Commission members, Phil Brockman and Lloyd Williams were present to provide an overview of the proposed changes to B-1 zoning pertaining to Anytime Fitness, LLC; based on the County's existing Zoning Ordinance, the applicant would be required to pay for a special use permit, when the existing location is already zoned B-1. After several meetings of a specially assigned committee, Article 8 of the Business, General B-1 Statement of Intent was carefully restructured to allow specific uses permitted 'by right' which would now allow an 'indoor health club or fitness center' to be an acceptable used. Today's documentation has been voted upon by the Madison County Planning Commission, and will be forwarded onto the Madison County Board of Supervisors for consideration and review. If the Board is in agreement with the recommendation, it was suggested a joint public hearing be scheduled at the March 2015 Joint meeting.

b. **Rappahannock Juvenile Detention Center, appointment:** The County Administrator advised there were no applicants for the vacancy on the Rappahannock Juvenile Detention Center; the facility Superintendent has suggested the Board appoint the County Administrator or Finance Director to serve as the position requires the representative to have some financial knowledge/background.

It was noted that Mr. Steven Hoffman was suggested many times to be considered as an applicant based on his level of knowledge/expertise.

Mr. Hoffman was present and advised of his willingness to serve, should the Board desire to appoint him.

After discussion, it was the consensus of the Board to act on today's recommendation at the February Regular Meeting.

4. County Departments

a. **Animal Control Officers/Conservators of the Peace:** The County Administrator advised of discussions to designate Animal Control Officers as conservators of the peace; if this designation is granted by the Board, it will grant the ACO's certain authorities, as approved by the Judge, and will allow them to carry a weapon and serve summons if necessary. ACO's will still need to qualify in order to carry a side arm.

Erik Weaver, Sheriff, was present and provided a brief overview of the past liability process when ACO's were under the direction of the Sheriff's Office; he noted the Virginia Code doesn't mention anything about ACO's being designated as Conservators of the Peace; once the ACO's were removed from his direction, risk management advised the Sheriff's Office could no longer provide weapons training to the ACO's; deputies to response for assistance, if available.

Teresa Weaver, Office Manager, was also present and advised of guidelines in place by the Department of Criminal Justice Services; DCJS is responsible for regulating firearms training and advised that the Sheriff's Office shouldn't be providing firearms training for ACO's.

The County Attorney advised that he has reviewed a model ordinance issued by the Supreme Court concerning conservators of the peace; anyone serving in this capacity must submit a special application to the Judge, and will be required to receive special training. In closing, he advised he will research the issue further with special emphasis focusing on animal control.

The Sheriff noted that deputies usually use a fire extinguisher or a Taser to ward off aggressive animals (instead of a firearm); reference was also made regarding an article that advised of public outcry when an animal is shot versus a human being shot.

After discussion, it was suggested the Virginia Code be researched; this topic will be discussed further at a future meeting session.

5. Committee Reports

a. Blue Ridge Commission, appointments: The County Administrator advised there was a committee member that recently resigned; the Board will need to decide how this matter will be handled.

Bruce Bowman, County representative, was present and publicly thanked Mr. James Ballard for his years of serving on the Blue Ridge Committee, and assisting with helping to sustain the relationship between the Shenandoah National Park and the County overall.

James Ballard was present and provided a brief overview of the development of the Blue Ridge Commission, and the past issues involving the localities and the Shenandoah National Park; although he has enjoyed serving on the committee, he expressed displeasure with comments made by a public official regarding personal views, and advised he can no longer continue to serve as a result.

Comments from the Board:

- *Supervisor Weakley: Noted that he served alongside both citizen representatives and they've served the County well; saddened by Mr. Ballard's decision to discontinue serving, but respects the decision; also feels if there is a concern with the Board, this concern needs to be discussed and resolved.*
- *Supervisor Campbell: Noted that he's the culprit responsible for Mr. Ballard's decision; advised that Mr. Ballard has done an outstanding job; noted the intent was to attain answers to citizen inquiries regarding regulations on hunting dogs in the park; requested to be removed as the Board's alternative on the BRC.*

After discussion, it was suggested a letter and resolution be provided to the individuals who have taken the time to serve on Boards/Commissions on behalf of the County.

- *Supervisor Jackson: Advised in meeting with Mr. Ballard, it was suggested that Mr. David Jones be asked to consider serving as a County representative on the BRC.*

After discussion, it was the consensus of the Board to discuss this issue further at a future meeting.

6. Financial Reports

- i. General Operations (Fund 10) - General Fund FY2015 – December*
- ii. Certificate of Claims (Fund 11) - Tourism Enhancement FY2015 – December*
- iii. Certificate of Claims (Fund 40) – Debt Service FY2015 – December*
- iv. Supplemental Requests – General Operations – FY2015 – December*

Electronic copies will be emailed to the Board members tomorrow, as they were unavailable for today's meeting.

7. Minutes:

- a. Review Draft: #56 – 2014, #1, #2 - 2015*

Edits will be required on Minutes #1 and #2; minutes will be resubmitted.

8. Discussion

a. Central Virginia Regional Jail (Erik Weaver, Steve Hoffman): Steve Hoffman, CVRJ Representative, was present to provide a brief overview of the development of the regional jail (from 1990 to the present); currently population is 410 – facility was actually build to hold 245; within the past twenty-five (25) years, the jail hasn't lost any lawsuits (imposed by inmates) and is obligated to follow all rules, regulations, and guidelines established by the State, and Department of Corrections. In closing, he advised the jail's proposed budget is in place and will be reviewed at the upcoming meeting.

Erik Weaver, Sheriff, was present and advised that Glenn Aylor, Superintendent, will be retiring from his post in 2016 as a result of family illness; it was noted that local law enforcement continues to transport prisoners daily (i.e. Petersburg, Richmond, Farmville, Winchester, Culpeper, etc.); most transports take anywhere from two (2) hours or more; two (2) deputies are assigned when transports are outside of our locality and overtime pay is required for those who perform these tasks overnight.

Board comments focused on:

- Figures provided by the comp board
- Annual County increase will be raised by 1,000%
- Comp board figures
- County contribution to increase from \$300,000.00 to over \$1,000,000.00 despite number of prisoners remaining at thirty-two (32)
- Increase in cost is being request to fund jail operations and not for the inmates
- Jail has been able to save \$7,000,000.00 over the years
- Jail has shown a profit for the past several years (based on annual audit reports)
- Localities have been paying for the jail since 1988
- Jail anticipated there would be revenue in lieu of the proposed expansion
- Existing projections do not show any anticipation of revenue (i.e. numbers for federal prisoners has continued to decrease since 2009)
- Reference was made (in a memo from the Superintendent) that the County Board is seen as being 'an advisory only' and has no authority and that only the two (2) jail board members will bring forth a proposed jail budget
- Is there a listing of jail budgetary cuts that can be provided to the localities
- Jail Authority was unanimously approved by the Madison County Board of Supervisors (binding agreement)
- Jail Authority was approved (by unanimous agreement) to expand (i.e. additional 200 beds)
- Cost to localities would be based on the amount of usage by each participating jurisdiction
- Proposed cost for 200 beds was \$10,000,000.00
- All participating jurisdictions would be required to include funding in the annual budget to support the additional costs incurred for the expansion
- Resolution #2011-14 denoted the cost of the expansion would be about \$16,000,000.00

Mr. Hoffman noted:

- The jail uses an allocation formula (based on the number of inmates in place vs. cost and escalation over a period of years)
- Specific funding can only be used for direct care of the inmates
- There will be start-up costs associated with the expansion
- Funding (\$700,000.00) was saved from many years back
- Monthly operating expenses for the jail exceed \$800,000.00
- There is no concrete figures in place to show what amount of revenue may or may not be received in the future
- It's anticipated the per diem cost will be negotiated in the event the jail attains a contract for federal prisoners (negotiations will not be initiated until 2016)
- Jail will also be required to establish a "PRES" program (prison rape elimination system) in place and will have to train staff for this purpose (plan must in place before the federal government will discuss a future contract)
- Jail accepted an offer (from the federal government) for an increase in costs which later precipitated an audit and a bill from the government
- If a bed is open at the jail, prisoners will be taken from other localities despite a lower rate being charged
- Local prisoners can't be displaced in order to house a federal prisoner (as per the contract between jail and County)
- Letter will be forwarded to legislators to monitor comp board funding
- The comp board has a ratio based on the amount if inmates to jail personnel (regulated by the DOC)

Additional Board comments focused on:

- Whether the County should consider send prisoners elsewhere instead of housing them at the jail if the future cost will rise to about \$100.00 per day for each prisoner
- Whether the jail receives funding monthly from the localities for each prisoner or if an annual lump sum is received

Mr. Hoffman suggested the Board assess the fact there may be additional costs involved in transporting prisoners elsewhere and to also assess what the outcome may be in the event an alternative facility is unable to house a local prisoner when needed.

The County Attorney asked if the jail has looking into the possibility of borrowing and spreading the construction costs over a period of years so the burden on the participating localities is less. In closing, he advised the authority was created and has its own borrowing power; this will not incur the full faith and credit of each individual locality.

Mr. Hoffman advised that to the best of his knowledge, the above referenced suggestion has not been investigated; personally, he feels this is a function of the localities rather than of the jail.

Additional comments focused on:

- The forecast factor
- Projections for average bed utilized per day

Robert Finks, Director of Communications, was present and advised there have been times in the past where dispatchers have called for hours in an effort to connect with a facility that had space to house a prisoner.

The County Administrator advised that a draft letter (to the comp board) has been forwarded to the Board for review and advisement.

After discussion, it was suggested some additional language be added to the letter before being forwarded; it was also suggested the County investigate the wording contained in the proposed bill.

b. Parks and Recreation Financial Review: The County Administrator there was a discussion on this item during today's workshop session.

Mr. J. T. Price, PRA member, was present and provided a brief overview of the \$25,000.00 noted for capital improvements in the PRA proposed budget, and noted these funds will be utilized to replace mowers, improve some infrastructure (i.e. fields, sewer, water, etc.), and public restrooms.

Concerns were verbalized regarding PRA fundraising events and the amount of funds that have been raised.

After discussion, it was suggested the PRA Board be scheduled to attend an upcoming budget work session to provide an overview of what the additional funding will be used for, and advise how this will be a benefit.

c. Administration Building Roof Update: The County Administrator advised the frame work has been completed on the roof; dividing of walls is underway; new membrane is now in place; change-orders were done for relocation of the water and sewer line; total amount of funding spent thus far is \$14,000.00; metal is on site and will be in place shortly (weather permitting).

d. Proposal – Task Assignments Concerning Economic Development & Budget

Comments from the Board were as follows:

- *Supervisor Jackson: Suggested the task assignments be further discussed in the spring, as there are time constraints in place due to ongoing budgetary meetings.*
- *Chairman Lackey: Advised on goals/accomplishments the Board has completed thus far; upcoming projects were also noted; meetings have also been held with other non-profit organizations to assist with job training in the County.*
- *Supervisor Campbell: Verbalized concerns regarding suggested tasks; feels all input he has made on identified topics haven't been readily accepted thus far.*
- *Chairman Lackey clarified the intent is have*
 - ✓ *Ideas put into writing,*
 - ✓ *Provide what steps can be done in order to fund the project,*
 - ✓ *Identify a time schedule*

9. Good of the Order - None

10. Information/Correspondence

The County Administrator advised of the upcoming meeting schedule for January 2015.

After discussion, it was the consensus of the Board to schedule additional budget meetings after Thursday's budget work session.

11. Closed Session

- a. Plow and Hearth
- b. Economic Development Lease
- c. Personnel

a. Closed Session:

On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board moved to convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(7) pertaining to consultation with the Madison County Attorney on legal matters related to a Governor's Development Opportunity Fund Performance Agreement for a grant to Plow & Hearth, LLL., Madison Foothills, LLC., and Vivaterra, LLC., and other economic development opportunities; Virginia Code Section 2.2-3711(A)(29), and Virginia Code Section 2.2-3711(A)(3) pertaining to possible contract negotiations pertaining to the possible rental of property (by the County), for the visitor center lease; and

Virginia Code Section 2.2-3711(A)(1) pertaining to personnel issues, pertaining to issues relating to performance of personnel, with the following vote recorded: *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

b. Motion to Reconvene In Open Session:

On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board reconvened in open session, with the following vote recorded: *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

c. Motion to Certify Compliance:

On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711 (A)(29); Virginia Code 2.2-3711(A)(7); Virginia Code 2.2-3711(A)(3); and Virginia Code Section 2.2-3711(A)(1), and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

***No Action was taken as a result of closed session*:**

12. Public Hearing, None

13. Public Comment

Chairman Lackey opened the floor for public comment.

The following citizens provided comments:

- Eleanor Montgomery (impressed with comments provided by Mr. Hoffman on the jail expansion).
- Kim Smith (compliments the quality of the minutes in 2011; feels the abbreviated minutes are a disservice to the citizens now and in the future).

With no further comments being brought forth, Chairman Lackey closed the public comment opportunity.

14. Adjournment

With no further action being required by the Board, on motion of Supervisor Jackson, seconded by Supervisor Campbell, Chairman Lackey adjourned the meeting. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

Doris G. Lackey, Chairman
Madison County Board of Supervisors

Clerk of the Board of Madison County Board Supervisors

Adopted on: March 9, 2015

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin, McGhee,
V.R. Shackelford, III, & Constitutional Officers



Agenda
Workshop Agenda
Madison County Board of Supervisors
Monday, January 26, 2015 at 6:00 p.m.
Madison County Firehouse, Lounge Room
1223 N. Main Street, Madison, Virginia 22727



Agenda Items

Call to Order

Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum

1. Adopt agenda
2. Constitutional Officers, None
3. Independent Committees/Organizations
 - a. Planning Commission Business-1 zoning Changes (Phil Brockman, Lloyd Williams)
 - b. Rappahannock Juvenile Detention Center, appointments
4. County Departments
 - a. Animal Control Officers/Conservators of the Peace
5. Committee Reports

- a. **Blue Ridge Committee, appointments**
- 6. **Financial Reports**
 - a. General Operations (Fund 10) General Fund FY2015 – December
 - b. Certificate of Claims (Fund 11) – Tourism Enhancement FY2015 – December
 - c. Certificate of Claims (Fund 40) – Debt Service FY2015 – December
 - d. Supplemental Requests – General Operations – FY2015– December

- 7. **Minutes:**
 - a. **Review Draft: #56 – 2014, #1, #2 - 2015**

Public Comment Opportunity (will be as close to 7:00 p.m. as possible)

- 8. **Discussion:**
 - a. Central Virginia Regional Jail (Erik Weaver, Steve Hoffman)
 - i. Consider letter of support for jail to Richmond
 - b. Parks and Recreation financial review Budget planning
 - c. Administration building roof update
 - d. Proposal – Task Assignments Concerning Economic Development & Budget
- 9. Good of the Order
- 10. Information/Correspondence
- 11. Closed Session
 - a. Plow & Hearth
 - b. Economic Development Lease
 - c. Personnel
- 12. Public Hearing, None
- 13. Public Comment Will take place as close to 7:00 p.m. as possible
- 14. Adjournment